

## AFFIDAVIT OF PROBABLE CAUSE FOR WARRANTLESS ARREST

Your Affiant Detective Bryan Svajgl #468 is now, and at all times herein mentioned was, a law enforcement officer employed by Papillion Police Department.

Your Affiant did participate in the arrest of Wadith S. Nader D.O.B.: \_\_\_\_\_ on the 17<sup>th</sup> day of March, 2015, at 1105 A.M. in Sarpy County.

Affiant is informed and believes, and on such information and belief, and in good faith, states that probable cause exists for the arrest and continued detention of said arrestee, based upon the following:

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On December 12, 2014, the Nebraska State Patrol received a CyberTip (3184694) from the National Center for Missing and Exploited Children (NCMEC). The CyberTip was generated by Microsoft. Within the CyberTip, Microsoft reported that on December 3, 2014, their customer with email address wadith@hotmail.com uploaded two images to Microsoft Skydrive, which Microsoft reported as child pornography. The reported images were included within the CyberTip.

On December 20, 2014, the Nebraska State Patrol received addition CyberTip (3320099) from the National Center for Missing and Exploited Children (NCMEC). This tip was deemed by NCMEC to be related to previous tip (3184694). CyberTip (3320099) was generated by information from Microsoft. Within the CyberTip, Microsoft reported that on December 3, 2014, their customer with email address wadith@hotmail.com uploaded five images to Microsoft Skydrive, which Microsoft suspected was child pornography. The reported images were included with the CyberTip.

On December 22nd, 2014, I, Det. Svajgl examined the image file uploaded on December 3rd, 2014 to the Microsoft Skydrive with email address wadith@hotmail.com, as reported by Microsoft in CyberTip 3184694. Following is a description of the image files:

- a. The Image file named "1850260232.jpg," which depicts an apparent white juvenile female (presumably between the ages of 12 and 14). That female depicted is sleeping on her stomach while wearing a green shirt which is pulled up exposing a white bra. She is also wearing white shorts but her vagina is exposed. Child Victim Identification Program (CVIP) reported the file appears to contain a child victim who has been identified by law enforcement as the "Blue Pillow" Series. (CVIP report #84278)
- b. Image file named "1773334201.jpg" which depicts the same apparent juvenile female wearing no shorts or panties with her vagina and anus exposed. Child Victim Identification Program (CVIP) reported the file appears to contain a child victim who has been identified by law enforcement as the "Blue Pillow" Series. (CVIP report #84278)

On January 20, 2015, I, Det. Svajgl examined the additional image files uploaded on December 3rd, 2014 to the Microsoft Skydrive with email address wadith@hotmail.com, as reported by Microsoft in CyberTip 3320099. Following is a description of the image files:

- a. Image file named "409277812.jpg," which depicts a prepubescent white female wearing no pants or underwear. She is laying on the bed with her legs tied together and her vagina exposed. The female appears to be sleeping or unconscious. There is a yellow stuffed animal on the bed besides her. The female appears to be approximately 10 to 14 years of age. Child Victim Identification Program (CVIP) reported the file appears to contain a child victim who has been identified by law enforcement as the "Colorful Bedroom" Series. (CVIP report #84653)
- b. Image file named "829555945.jpg" which depicts a fully nude white juvenile female approximately 12-14 years of age. She is sitting down with her legs off to her side with a portrait backdrop behind her. The female has long dark brown hair in piggy tails.
- c. Image file named "1600471024.jpg" which depicts a white juvenile female approximately 10-12 years of age. She is wearing a pink shirt and no pants. She is sitting on the floor with her legs spread and her vagina exposed.
- d. Image file named "1766201396.jpg" which depicts a white female approximately 14-18 years of age. She is wearing a teal shirt with no pants or underwear on. Her legs are spread and her vagina is exposed.
- e. Image file named "864858517.jpg" which depicts a fully nude white juvenile female approximately 11-14 years of age. She is sitting on top of a towel on a rock holding her knees to spread her legs exposing her vagina. She appears to be outdoors near water.

Based on my training and experience, I believe that the images described above are visual depiction of sexually explicit conduct or erotic nudity, which has a child as one of its participants or portrayed observers, the possession of which is in violation of the Laws of the State of Nebraska.

Microsoft provided an IP address of 75.163.85.5 which was verified as belonging to CenturyLink. Microsoft reported the email wadith@hotmail.com uploaded the photograph. Nebraska State Patrol verified the email address belongs to Wadith S. Nader of 912 Hickory Hill Road.

On February 21, 2015, Detective Svajgl queried Nebraska Department of Motor Vehicles database for the name Wadith NADER, and located a person named Wadith S. NADER, DOB [REDACTED] The address 912 Hickory Hill Road, Papillion, NE, Sarpy, Nebraska, is listed for Wadith S. NADER with the Nebraska Department of Motor

Vehicles. Additionally, Detective Svajgl observed the email wadith@hotmail.com linked with the Facebook profile of Paul NADER. Det. Svajgl compared the photograph on the Facebook profile of Paul NADER to the photo on file with the Nebraska Department of Motor Vehicles. Det. Svajgl determined the profile picture for Paul NADER depicts Wadith S. NADER, DOB

On February 10, 2015, Det. Bryan Svajgl served Century Link with a Sarpy County Attorney subpoena requesting records and information relating to the identification of their subscriber using Internet Protocol (IP) address 75.163.85.5 on December 3, 2014, at 1822 and 1830 hours UTC. This specific date and times are when Microsoft reported the apparent child pornography had been uploaded to Microsoft SkyDrive from said IP address using wadith@hotmail.com email address in CyberTips 3184694 and 3320099.

On March 3, 2014, I reviewed the response records that Century Link provided. The requested records, which show that Internet Protocol (IP) address 75.163.85.5 was issued to subscriber Wadith NADER 912 Hickory Hill Road, Papillion, Sarpy County Nebraska, with the user name naderwadith and telephone numbers (402) 505-3684. Based on several dates of surveillance of 912 Hickory Hill Road, Your Affiant has witnessed Wadith NADER leave said residence. Wadith NADER also declared his residence as 912 Hickory Hill Road, Papillion, NE Sarpy County, NE with the Nebraska Department of Motor Vehicles.

Additionally, Century Link provided Internet Protocol (IP) address logs for their customer Wadith NADER, 912 Hickory Hill Road, Papillion, Sarpy County, Nebraska, which showed that Wadith NADER was issued Internet Protocol (IP) address 75.163.85.5 on November 10, 2014, to the current date. For the specific dates and times aforementioned Microsoft was accessed and a photograph were uploaded as reported by Microsoft in CyberTips 3184694 and 3320099.

On March 17<sup>th</sup>, 2015 at 1105 hours your affiant conducted a search by way of a Sarpy County search warrant at 912 Hickory Hill Road in the city of Papillion, Sarpy County Nebraska. Wadith answered the door and was determined to be the sole occupant of the residence at the time of our arrival. Wadith was advised of his Miranda Rights which he stated he understood. He agreed to speak with your affiant.

Wadith immediately stated that he was not into child pornography or viewing children without clothing. He stated he does view adult pornography on a regular basis. He continued to explain that he looks at pornography and masturbates on a daily basis. He will usually view pornography multiple hours in a day. He said he likes viewing thin and fit females, older women, hairy women, threesomes, and dirty underwear. Wadith stated that he looks at pornography on the main computer which was located in the kitchen. He has a couple of external hard drives which he also stores downloaded pornography on including videos and photos.

I then explained to Wadith that we received cybertip from Microsoft for images he uploaded to Microsoft SkyDrive. He at first said he did not know how the photos were

uploaded and stated he does not use Microsoft SkyDrive. He later stated he believes back in December while he was attempting to move some 700 downloaded pornographic files he may have inadvertently uploaded them to Microsoft SkyDrive when he swiped them across the screen. He later learned from Microsoft that his Hotmail account ([wadith@hotmail.com](mailto:wadith@hotmail.com)) was locked. I confirmed with him that those photos generated a cybertip and several were confirmed as known child pornography photos with identified victims. I then asked for him to assist in speeding the investigation up by telling me where he stores his child pornography. He again denied having child pornography and stated he never intended to download child pornographic photos.

Wadith explained that he views and downloads pornography from imgfap.com which is an electronic bulletin board website where users can post photos. Wadith explained he has downloaded thousands of pornographic photos from the web site believing all images and videos were of legal aged females. He stated it was possible some were not of legal age but that he was unaware of it.

Search of the residence produced three laptops computers, over 36 hard drives, thumb drives, micro SD cards, Asus computer tablet, Samsung Galaxy cell phone, and a Kyocera cell phone. All items were collected as evidence for forensic processing.

During the search affiant was assisted by Det. Ben Iverson of the LaVista Police Department in order to conduct preliminary scans of the hardware, computer software, and hard drives, etc as detailed in the search warrant. Det. Iverson began his examination on or around 1130 hrs using a forensic examination device. Det. Iverson examined the HP laptop in the kitchen along with external hard drive. Det. Iverson discovered one image was flagged as possible known child pornography. The laptop computer and hard drive will be examined further in a safe forensic environment.

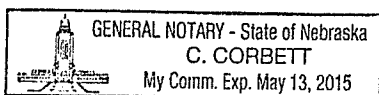
At this time based on the information and evidence obtained, your affiant believes that probable cause exists for the arrest of Wadith Nader for the offense of 6 counts of possession of child pornography NE State Statute 28-813.01 as Wadith "*knowingly possessed any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers*".

Further Affiant sayeth not.

Det. Bryan Svajgl  
Officer/Deputy Sheriff/Trooper

SUBSCRIBED and SWORN to before me this 17<sup>th</sup> day of March, 2015.

(SEAL)



[Signature]  
Notary Public/Judge